

Practitioner's Docket No. NANO09.DIV.2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re. application of:

Application No.: 10/014,928

Filed: 12/11/2001

Group No. Unassigned

Examiner: Unassigned

For: **Dual Die Memory**

Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED

JUL 15 2002

OFFICE OF PETITIONS

STATEMENT AND PETITION TO ACCORD CORRESPONDENCE FILING
DATE SHOWN ON EXPRESS MAIL LABEL "DATE-IN"
(37 C.F.R. § 1.10 (c))

1. This is a petition to accord the correspondence in the above-identified application the "date-in" of 12/11/01 shown on the Express Mail label No. EL832466422 US. It is respectfully contended that no filing date accorded by this correspondence is incorrect.
2. Submitted herewith is the statement of Patrick T. King as to when the discrepancy was discovered and establishing that this petition is being filed promptly thereafter.
37 C.F.R. § 1.10(c)(1). See 7 below.
3. Attached is a true copy of the first page of the correspondence, which was filed, showing both the date on which this correspondence was mailed as Express Mail Label No. EL832466422 US, and the number of the Express Mail was placed thereon prior to mailing. 37 C.F.R. § 1.10(c)(2).
4. Attached is true copy of the "Express Mail" mailing label showing the "date-in" of 12/11/02. 37 C.F.R. § 1.10(c)(3).

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(A))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231

Date: 16 May 2002

FACSIMILE

transmitted by facsimile to the Patent and Trademark Office,

(703) _____

Signature

Patrick T. King

Adjustment date: 08/01/2002 AKELLEY
-06/06/2002 NH00AH11 00000041 10014928
03 FC:122 -130.00 OP
Repln. Ref: 08/01/2002 AKELLEY 0012504900
DAN:110979 Name/Number:10014928
FC: 704 \$130.00 CR

06/06/2002 NH00AH11 00000041 10014928

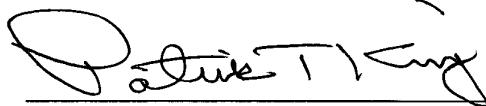
03 FC:122

130.00 OP

5. Enclosed is a copy of both sides of a return postcard for this case. Note that a sticker was fixed thereto by the U.S. Patent Office. Note that the return postcard had no notations thereupon by the U.S. Patent Office disputing receipt of the 29 pages of Specifications (including claims and abstract) in the Express Mail package.
6. Enclosed is a true copy of the 29 pages of the Specification originally forwarded on December 11, 2001 to the U.S. Patent Office.
7. A notice of an Incomplete Nonprovisional Application was mailed by the US Patent Office 3/18/2002, stating that the specification was missing and that the basic filing fee for a small entity of \$370 was missing. Upon further investigation and a telephone call to the USPTO Customer Service Center, Applicant's Attorney was advised to File a Petition to get a proper Notice of Missing Parts from the US Patent Office for the missing filing Fee. Apparently, the 29 pages of Specification were properly received (as indicated by the return postcard) and somehow lost in the U.S. Patent Office.
8. Applicant hereby requests a proper Notice of Missing parts and includes \$65.00 for the Missing Parts Fee.
9. Applicant hereby requests a refund to Deposit Account (11-0979) of the included \$130.00 Petition Fee as not being due because the U.S. Patent Office sent a Notice of Incomplete Non-Provisional Application rather than a Notice of Missing Parts for the filing fee only.
10. The petition fee (37 C.F.R. § 1.10(c)(h) is paid as follows:
- Enclosed please find a check payable to the "Commissioner of Patents" for the sum of \$565.00, of which \$130.00 is a Petition Fee, \$65.00 is a Missing Parts Fee, and \$370.00 is a Filing Fee for a Small Entity.

Reg. No.: 28,231

Tel. No.: (831) 722-1830
Fax No. (831) 722-1855


Signature of Practitioner

Patrick T. King

73 Penny Lane
Watsonville, CA 95076-3078

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>7-24-02</u>		2 Serial/Patent # <u>14014928</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
<input type="checkbox"/>	Filing			\$							
<input type="checkbox"/>	Amendment			\$							
<input type="checkbox"/>	Extension of Time			\$							
<input type="checkbox"/>	Notice of Appeal/Appeal			\$							
<input type="checkbox"/>	Petition		<u>5-29-02</u>	\$ <u>130</u>							
<input type="checkbox"/>	Issue			\$							
<input type="checkbox"/>	Cert of Correction/Terminal Disc.			\$							
<input type="checkbox"/>	Maintenance			\$							
<input type="checkbox"/>	Assignment			\$							
<input type="checkbox"/>	Other			\$							
		7 TOTAL AMOUNT OF REFUND		\$ <u>130</u>							
		8 TO BE REFUNDED BY:									
10 REASON:		Treasury Check									
<input type="checkbox"/>	Overpayment	Credit Deposit A/C #:									
<input type="checkbox"/>	Duplicate Payment	9 <table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 20px; text-align: center;">1</td> <td style="width: 20px; text-align: center;">1</td> <td style="width: 20px; text-align: center;">--</td> <td style="width: 20px; text-align: center;">0</td> <td style="width: 20px; text-align: center;">9</td> <td style="width: 20px; text-align: center;">7</td> <td style="width: 20px; text-align: center;">9</td> </tr> </table>			1	1	--	0	9	7	9
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<input type="checkbox"/>	No Fee Due (Explanation):										
<u>PTO Error</u>											
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>Karen Cross</u>		TITLE: <u>Ref Exm.</u>									
SIGNATURE: <u>Karen Cross</u>		PHONE: <u>705-8859</u>									
OFFICE: <u>DAC for patents</u>											

THIS SPACE RESERVED FOR FINANCE USE ONLY:											
APPROVED: <u>Alison Kelly</u>		DATE: <u>8-1-02</u>									

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to: